1908-042 Chancery Causes: Milum Willis [Bro] vs. A. P. Herd &c
Lee Co.

Willis, Catron

CA-Debt
T-Property

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County:

Humbly complaining, your orators, Milum Willis and H. R. Willis, merchantsdoing business under the firm name of Milum Willis & Bro. would respectfully represent and show unto your honor, that while engaged in the mercantile business at Kyle's Ford, Tennessee, one H. P. Herd and Mariah Herd, his wife, residents of Blackwater, Lee County, Virginia, became indebted to them as follows, to-wit. The said H. P. Herd in the sum of $50.00, for which he executed his note, bearing date December 28th, 1905, and which became due and payable six months after the date thereof, subject to a credit of twenty dollars paid November 19th 1906; and the said H. P. Herd and Mariah Herd in the sum of $127.17 for goods, wares and merchandise sold, and money loaned and advanced, to them by your orators at their special instance and request, and which became due and payable Sept. 1st, 1908, and no part of which has ever been paid. The said note is herewith filed as part hereof, marked "A"; and the said account of goods, wares and merchandise sold, and money loaned and advanced, to the said defendants at their special instance and request is herewith filed as part hereof marked "B".

Your orators will further represent and show unto your honor, that the said H. P. Herd and Mariah Herd, his wife, some two or three years ago purchased from one E. N. Catron, the son of the said Mariah Herd, a certain tract or parcel of land situated, lying and being in Lee County, Virginia, in the Blackwater Country and containing fifty acres more or less, at the price of $350.00, which purchase money was fully paid, your orators having loaned the said defendants some of the money used by them in paying for said land. This land thus purchased by the said defendants from the said Catron consisted of two parcels adjoining each other, and the conveyance of the same was made by the said Catron to the said H. P. Herd and Mariah Herd jointly; that after the making of the said

deed, and for the purpose of hindering, delaying and defrauding the creditors of the said H. P. Herd, and especially your orators, in the colletion of their debts against the said H. P. Herd, the said Mariah Herd returned the said deed to the said E. N. Catron, perhaps without the knowledge of the said H. P. Herd, which deed was distroyed by the said Catron, and he executed a new deed to the said land by which he conveyed the same directly to his said mother, the said Mariah Herd.

Your orators will now show your honor, that the said H. P. Herd has absconded from this country and gone to parts unknown, and is not now a resident of the state of Virginia; that he left little or no property in the state of Virginia, except his interest in the said two tracts of land above mentioned, and your orators allege that the taking in and distroying of the first deed made by the said Catron, and the execution of the new deed, was for the purpose of hindering, delaying and defrauding the creditors of the said H. P. Herd, and especially your orators. Yourorators allege that the said H. P. Herd is justly indebted to them in the just full sum of $50.00, the amount of the said note above mentioned, with interest as aforesaid, and subject to the credit aforesaid, and that they have the right to recover from the said H. P. Herd that much money in the least; and, that the said H. P. Herd and Mariah Herd, his wife, are jointly indebted th them in the just and full sum of $12[illegible].17, the amount of the account above mentioned, with interest thereon from the first day of September, 1908, and th at they have a right to recover from the said H. P. Herd and Mariah Herd, his wife, that much money at least. That the said H. P. Herd is a nonresident of the state of Virginia, and that, he has his said interest in the said land situated in the County of Lee and State of Virginia, belonging to him and his said wife jointly, and

no other estate known of by your orators.

Now, the object of this bill is to attach said land and su bject the same to the payment of your orators said debts, and for that purpose to set aside, anmull and make void the said deed executed by the said Catron to the said Mariah Herd, and to subject said lands to the payment of your orators said debts, a copy of the last deed made to the said Mariah Herd is herewith filed as part hereof marked "Deed". And your orators being without adequate remedy at law, pray your honor to take cognizance of their cause and grant them proper relief. To this end they make H. P. Herd, Mariah Herd, and E. N. Catron the parties defendants to this bill, and pray that each be required to answer the same, but not under oath, answer under oath being expressly waived, and that upon a final hearing the relief above prayed for be granted, together with all such other further and general relief as may be suited to their cause. And your orators will ever pray &c.

James W Orr & C.

Virginia, Lee County, to-wit:

I, H. C. T. Ewing, clerk of the circuit court in and for the County and State aforesaid, do certify that Milum Willis this day personally appeared before me in my office and made oath that the facts stated in the foregoing bill are true as he varily believes.

Given under my hand this the 14th day of Septmber, 1908

H. C. T. Ewing Clerk.

By M. A. Hanary, D. C.

Costs:

Clerk	$6.19
Tax	1.50
Shff	2.00
atty.	15.00
J.P.	25
Printer	9.80
	$34.74
J.P.	1.00
	$35.74

of Shiffs Files 1.00
Tax W.E. Glass 1.00
2.00

William Willis & Bro.

vs

Bill in Chy.

A. P. Ford et al.

Filed in my office this the 14th day of Sept., 1908.

W. G. Ewing,
Clerk.

1908, 1st Nov. Rules-
Dismissed by order of atty. for Plaintiffs.

In the Clerk's office of the Circuit Court of the County of Lee on the 14th day of September, 1908.

Milum Willis & Bro. Plaintiffs.

vs. In Chancery.

H. P. Herd, Mariah Herd, and E. N. Catron, Defendants.

The object of this suit is to attach the interest of the defendant H. P. Herd in a certain tract or parcel of land lying on the waters of North Fork, of Clinch River in Lee County, Virginia containing about fifty acres, and was conveyed to the said H. P. Herd and Mariah Herd by the said E. N. Catron, and adjoining the land of Isaac Herd and others, and being the same land upon which the said Mariah Herd now resides, and to subject the said land to the payment of ~~kkx~~ an indebtedness of $177.17, which the said H. P. Herd amd Mariah Herd owe to the said plaintiffs, with interest on $50.00 part thereof, from June 28th, 1906, and on $127.17 the residue thereof from September 1st, 1908, until paid, subject to a credit of $20.00 November 19th 1906. And if necessary for that purpose to set aside, annull the deed recently executed by the said E. N. Catron attempting to convey said land to the said Mariah Herd. And an affidavit having been made and filed that the defendant H. P. Herd is a non-resident of the State of Virginia, it is orderdd that he do appear here within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville, Star, and that a copy be posted at the front door of the court-house of this county as prescribed by law.

A Copy ---Teste:

H. C. Ewing, Clerk.

By M. E. Hancock, D.C.

James W. Orr, p.q.

William Willis & Bro.

vs

Order of Pub.

A. P. Bell et al.

Virginia, Lee County, to-wit

I, S.C.G. Ewing, Clerk of the Circuit Court for & in the County and State aforesaid, do certify that I posted a true copy of the within order of publication at the front door of the Court-house of said County on this day.

Given under my hand, this 15th day of September, 1908.

S.C.G. Ewing
Clerk

In the Clerk's Office of the Circuit Court of the County of Lee

Wilson Willis & Bro.

Plaintiffs

against

H. P. Herd & Josiah Herd & E. N. Gatson

Defendants

In chancery.

This day Wilson Willis personally appeared before me H. C. L. Ewing Clerk of the said Court, and being duly sworn, made oath that H. P. Herd defendant in the said suit is not resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 14th day of September 1908.

H. C. L. Ewing, Clerk.

By W. H. Hamaby, D. Clerk.

Wilson Willis & Bro.

VS } AFFIDAVIT FOR ORDER OF PUBLICATION

H. P. Ved et al.

J. A. W. Orr ..... p. q.

Filed Sept. 14, 1908
W. D. Ewing,
Clerk

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 242--Affidavit for Attachment.

In the circuit Court of the County of Lee

Milum Willis & H. R. Willis Merchants doing business under the firm name of Milum Willis & Bro.

Plaintiffs.

against

H. P. Herd & Mariah Herd & E. N. Catron

Defendants.

IN chancery.

Milum Willis maketh oath and saith, that he believes the claim, for which the above entitled action is instituted, to be just; that he, the affiant, believes that Milum Willis & Bro are entitled to and ought to recover in said action $177.17 (at the least) with interest thereon, to be computed at the rate of Six per centum per annum, from the 29" day of June 1906, till paid; ~~and that to the best of~~ his belief the said defendant H. P. Herd

on $50.00 part thereof and on $177.17 the residue from Sept 1st 1908. Subject to a credit of $20.00 Nov 19" 1906: and that to the

1. ~~a foreign corporation, or~~ is not a resident of this State, and has estate or debts owing to said defendant within the County of Lee ; in which the action is and/or is sued with a defendant residing therein ; Mariah Herd;

2. is removing or about to remove out of this State, with intent to change his domicile.

3. is removing, or intends to remove, or has removed

his own estate , or the proceeds of the sale of his property, or a material part of such estate or proceeds, out of this State, so that process of execution on a judgment, when obtained in said action, will be unavailing ;

4. ~~converting, or about to convert, or has converted, property or some part thereof into money, securities, or evidences of debt, with intent to hinder, delay or defraud creditors.~~

5. ~~Has assigned or disposed of, or about to assign or dispose of, estate , or some part thereof, with intent to hinder, delay, or defraud creditors.~~

Milum Willis

Subscribed and sworn to before me, this 14th day of September 1908.

W. E. Kinney, Deputy, Clerk.

Form No. 242.

Wilson Willis & Bro.

vs. } AFFIDAVIT FOR ATTACHMENT.

L. P. Ward et al.

Filed the 14th *day of* Sept *1908.*

H. G. Ewing, Clerk.

Know all men, that I, Milum Willis of the firm of Milum Willis & Brother, plaintiffs in the hereinafter styled cause, do give notice of Lis Pendens and attachements by this memorandum which sets forth as follows.

There is now pending in the Circuit Court of Lee County, Virginia, a certain suit in Chancery, the title of which is, Milum Willis & Brother vs. H. P. Herd, et al, the general object thereof, is to attach the hereinafter described land and subject the same to the payment of certain debts set forth in the bill of complaint as follows: A note executed by H. P. Herd for the sum of $50.00, December 28th, 1905, and which became due and payable six months after the date thereof, subject to a credit of twenty dollars, paid November 19th, 1906; and an account against H. P. Herd and Mariah Herd, in favor of the plaintiff in said bill for $127.17 and which became due and payable September, 1st, 1908, and which sums the said parties owe to the said plaintiff in the said bill.

The description of the land is as follows; A tract of land conposed of two parcels lying on the waters of the North Fork of Clinch River in the Jonesville Magisterial District, in Lee County, Virginia, containing about fifty acres more or less, and adjoining the lands of Isaac Herd, Alex. Herd, the heirs and widow of David Willis , deceased, E. N. Catron and Taylor Herd, being the same land purchased by said Mariah Herd from the said E. N. Catron and upon which the said Mariah Herd now resides; and the names of the persons whose estates are intended to be effected thereby are H.P. Herd, and Mariah Herd. Witness my hand this the 10th day of Oct. 1908.

Milum Willis

Virginia, Lee County, to-wit:

I, J. V. McPherson, a Justice of the Peace in and for the county and state aforesaid, do certify that Milum Willis whose name is signed to the foregoing writing bearing date on the 7th day of October, 1908, has acknowledged the same before me in my county aforesaid.

Given under my hand this the 10th day of October, 1908.

J. V. McPherson J.P.

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 13th day of October, 1908, the foregoing writing was presented, and together with the certificate annexed, admitted to record, at 3 O'clock P. M.

Teste: N. C. D. Ewing, Clerk.
By M. E. Hawley, D.C.

William Willis & Bro.
To
Lee Sanders
T.O. Herd, et als.
Filed Oct. 13th, 1908,
at 3:00 P.M.
N.C.D. Ewing.
Clerk.

Recorded in Deed
Book 4 Y, page 446
Oct. 16, 1908
Examined

Clerk $1.25

Hiram Herd and Wife Mariah Herd

Dr

1908

To Milam Willis & Bro

June	13	To amount Carried forward	$ 103	14
	13	" Com 10 Kerchief 5- Job 5-		20
	16	" Coffee 25- salts 5- Tonic 20 shoe 140	1	90
	23	" Medicine 110 Od Rose Johnson 20	1	30
	27	" Oil 20 Corns 95- Turpentine 10	1	25-
	29	" Com 80 Od A Johnson 27	1	07
July	3	" Shoes & Coat & Vest	7	00
	3	" 2 pairs hose 20 morphine 55- Job 5-		80
	7	" Job 25- Collar 10 Kerchief 5-		40
	12	" Corns 75- flour 80 Job 5-	1	60
	17	" Job 10 sugar 25- quinine 10 soda 5		50
	17	" soap 10 milch 3 starch 5-		18
	20	" quinine 10 Job 10 candy 5-		25-
	20	" Bacon 75- jam 20 Ginghm 18	1	13
	20	" Crackers 30 suspenders 25- medicine 110	1	65-
	25-	" Blewing 5- Crackers 90		95-
	28	" sugar 25- coffee 25- Job 5- soda 5-		60
Aug	4	" Job 15- saleratus 15- medicine 55-		85-
	10	" sugar 50 Job 10 Od Ely pain 50	1	10
	24	" medicine 50 Od Linjeny 75-	1	25-
Sept	1	" sugar		

Total = $ 127 17

Virginia
Lee County &

Personally appeared before me J. W. McPherson Justice of the Peace of said County & State the undersigned Wilburn Willis a member of the firm of Milburn Willis & Bro and who being sworn makes the following statement that the itemized account against Hiram Herd and wife Mariah Herd is just & true & with no offset and is correct and in a correct copy of our books.

Milburn Willis

Sworn to and subscribed before me this Sept 12th 1908

J. W. McPherson J.P.

1908

Hiram Herd. And Wife Mariah Herd.

Dr

To Milam Wells & Bro

April	2	To balance on settlement	$ 74	60
	5	" 75 Od Abraham Johnson		75
	7	" shoes 200 Tob 25 soda 5	2	30
	14	" coffee 25 Tob 20 Od Cook Johnson 50		95
	16	" Od J. F. Swood		65
	20	" Lon 130 sugar 25 Calico 14 Tob 5	1	74
	20	" salt 5 Calico 65 Gingham 70 hoe 20	1	60
	20	" Thread 5 Broom 25 coffee 25 Medicine 50	1	05
	28	" Gloves 10 Morphine 110 Bacon 56 lard 5	1	81
	28	" flour 80 Morphine 110 socks 10	2	00
May	4	" 137 Od Judy Wells Od Ellen Herd 40	1	77
	4	" order 75 Bleach 15 sugar 25 fish 10	1	25
	4	" suspenders 25 ribbon 8 Belts 100 ribbon 7	1	40
	9	" Tob 25 hoe 15 Thread 10 Hamburg 10		60
	9	" Tob 5 Coffee 25 Bacon 60 Medicine 110	2	00
	16	" oil 20 spice 5 Coffee 25 nails 4		54
	16	" Medicine 110 Nitre 5 Thread 5 Ans 5	1	25
	20	" Medicine 110 Thread 6 B Draught 20	1	36
	24	" shoe 150 Egg 12 Od Green 25	1	87
	27	" salt 5 soap 5 soda 5 Gloves 25		40
	27	" Od Robert Herd 25 B Powder 5		30
	29	" shirt 50 Cotton 10 Tob 25		85
	30	" razor strop 25		25
June	1	" salt 5 Coffee 12½ Match 3 sugar 25		45
	10	" Thread 5 N & Too 25 Medicine 110	1	40
		Over Carried	$ 103.14	

William Willis & Bro.

18½ Sept. 6 1827.

Hiram Todd & wife

Miles Willis
& H. R. Willis
under firm of William Willis
& Bro.

Jonesville, Va., Oct 31, 1908

M Milnes Willis & Bro

To THE BOATRIGHT PRINTING CO., Dr.

An order from the Postmaster General prohibits us from mailing the STAR to subscribers who are a year or more in arrears. You will please settle the following account in order that we may be able to continue the Star to your address.

49 Lines c/s for J. W. Dan ——— $9.80

William Wachs Bros
Pub Lee.
99.80

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon H. P. Herd, Mariah Herd and E. N. Catron to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said Court, on the 1st ~~Nxxx~~ ~~xxxxx~~ Monday in November, 1908, to answer ~~xhxi~~ a bill in chancery exhibited against them in our said Court by Milum Willis & H. R. Willis, merchants doing business under the firm name of Milum Willis & Bro. And have then there this writ. Witness, H. C. T. Ewing, Clerk of our said Court, at the court-house, the 14th day of September, 1908, and 133" year of the Commonwealth.

A Copy, Teste:

_____, Clerk.

H. C. T. Ewing, Clerk.

By W. S. Hanard, D.C.

The proper affidavit having been made and filed in this cause, it is ordered that the officer serving the within prop~~c~~ess do attach the estate of the defendant, H. P. Herd, in this county for the amount of the plaintiffs' claim and the same in his hands so attached so to secure and provide that the same may be forthcoming and liable to the future order of the court.

Given under my hand, this September 14th, 1908.

A Copy, Teste:

_____, Clerk.

W. A. P. Ewing, Clerk.
By M. O'Hanary, D.C.

levied on the following real estate of the defendant H. P. Herd, to-wit; a tract of land, composed of two parcels, lying on the waters of the North Fork of Clinch River, in the Jonesville, Magisterial District, Lee County, Virginia, containing about fifty acres more or less, adjoining the lands of Isaac S. Herd, Alex Herd, the heirs and widow of David Willis, deceased, ~~Elijah~~ Neal Catron and Taylor Herd, being the same land purchased by said H. P. Herd from ~~Elijah~~ Neal Catron, and being the same land upon which the said Mariah Herd now resides, this the ~~7~~ 11th day of Oct. 1908.

France Miles D. Sheriff.
For W. J. Tucker D.S.L.C.

Further executed on this day by delivering a true copy of the within summons and attachment to Mariah Herdm she being the person in possession of the real estate this day levied on by me as the property of H. P. Herd, and also by delivering a true copy thereof to ~~Elijah~~ Neal Catron. This the ~~7~~ 11th day of ~~October~~, 1908.

France Miles D. Sheriff
For W. J. Tucker D.S.L.C.

Melvin Willis & Bro
vs
Jacksonville in Chancery -
H. P. Herd, et al
Comes W. Dr. Ry.
Pet Nov. Rules
Lee Circuit Court
1908
Executed by delivering a True Copy to Mariah Herd and E. M. Catron This Sept 19 - 1908
W. To Stokes D.S.
for W. J. Tucker D.S.L.C.